

### **Remarks**

A Notice of Non-Complaint Amendment was mailed from the U.S. Patent Office on April 4, 2005. The Notice stated that the amendments to the claims 2, 31, 42, 49, 53, and 58 filed on February 4, 2005 were not compliant with 37 CFR 1.121, because these claims failed to include an indication of all changes made. In addition, the Notice set out a one-month time period for Applicant to respond.

Applicant respectfully submits the attached Amendment and Response in which the amendments to claims 2, 31, 42, 49, 53, and 58 have been revised to comply with 37 CFR 1.121. Applicant respectfully requests that this Amendment and Response be entered.

In the Office action mailed on October 5, 2004, the Examiner rejected claims 1, 4, 8-10, 13, 15, 17-19, 22, 25-30, 38-41, 52, 56, 57, and 62 and objected to claims 2, 3, 5-7, 11, 12, 14, 16, 20, 21, 23, 24, 31-37, 42-44, 49-51, 53-55 and 58-61. In addition, the Examiner indicated that the objected to claims, that is, claim numbers 2, 3, 5-7, 11, 12, 14, 16, 20, 21, 23, 24, 31-37, 42-44, 49-51, 53-55 and 58-61 would be allowable if rewritten in independent form.

Without conceding to any of Examiner's arguments made with respect to claims 1, 4, 8-10, 13, 15, 17-19, 22, 25-30, 38-41, 52, 56, 57, and 62, Applicant herein amends claims 2, 31, 42, 49, 53, and 58 to independent form in order to expedite prosecution and to receive a Notice of Allowance. Applicant's amendment of these claims does not constitute a concession that the claims are not allowable in their unamended form.

Applicant has introduced new independent claim 64 and new dependent claims 65-84. Claims 64-84 are directed to an apparatus controlling a plasma and include a combination of two or more different types of sensors for acquiring a signal associated with a state of a plasma in the vessel. Applicant believes that no new matter is introduced by the addition of these claims. Support for claims 64-84 can be found within the originally-filed application at least at, for example, on page 11, lines 12-21, page 14, lines 11-15, page 18, lines 8-11, and page 23, lines 12-20, and originally-filed claims 1-24.

Applicant respectfully submits that none of the references cited by the Applicant and/or the Examiner (including U.S. Patent No. 5,682,067 to Manley et al.) disclose an apparatus for controlling a plasma including a resonant circuit for storing and releasing energy, a combination of two or more different types of sensors for acquiring a signal associated with a state of a

plasma, and a switch unit switchable between a first state and a second state in response to the signal. Manly et al., for example, discloses a circuit for reversing a voltage polarity on a first and second electrode, which includes a *single* detection circuit 44 for detecting the occurrence of an arc condition. See, Abstract, col. 4, lines 20-22, and FIG. 1 of Manley et al.

As a result, Applicant respectfully submits that the cited art does not disclose the claimed subject matter of new independent claim 64. Therefore, Applicant requests that new claim 64 be passed to allowance. Furthermore, Applicant respectfully submits that claims 65-84 are allowable as depending from allowable independent claim 64.

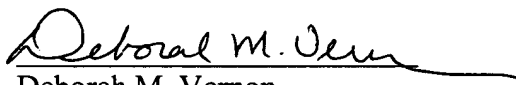
### **CONCLUSION**

In view of the foregoing, Applicant respectfully submits that the claims are in condition for allowance and requests early favorable action. The Examiner is welcome to contact Applicant's agent at the number below with any questions. In addition, the Commissioner is hereby authorized to charge any fee associated with U.S.S.N. 10/642,509 to Attorney's Deposit Account Number 50-3081.

Respectfully submitted,

Date: April 28, 2005

tel. (617) 526-9836  
fax (617) 526-9899

  
Deborah M. Vernon  
PTO Reg. 55, 699  
Agent for the Applicant  
Proskauer Rose LLP  
One International Place  
22nd Floor  
Boston, MA 02110